

AMENDMENTS TO LB 458

1 1. Insert the following new sections:

2 "Section 1. The Legislature declares that:

3 (1) In order to protect the watercourses and bodies of
4 water of the state, under requirements and mandates of state and
5 federal law relating to storm water management programs, and to
6 meet local storm water needs, certain municipalities, counties, and
7 natural resources districts are responsible to develop and
8 implement storm water management programs; and

9 (2) The costs to implement storm water management
10 programs are significant, current funding sources and methods may
11 be inadequate, and authority is necessary to develop a system of
12 charges which may be imposed to carry out the storm water
13 management programs. Charges collected shall be used only for
14 storm water management programs.

15 Sec. 2. For purposes of sections 1 to 13 of this act,
16 the definitions found in sections 3 to 7 of this act shall be used.

17 Sec. 3. Agricultural and horticultural land means
18 agricultural and horticultural lands as defined in section 77-1359.

19 Sec. 4. Impervious surface area means the plane area of
20 a parcel of real property which exhibits a comparatively low rate
21 of absorption of storm water or a high rate of runoff per unit of
22 surface area.

23 Sec. 5. Municipality means any city of the first class
24 which is required to have a storm water management program, any

1 city of the primary class, or any city of the metropolitan class.

2 Sec. 6. Process of development means grading and other
3 activities performed in preparation for residential, commercial, or
4 industrial uses.

5 Sec. 7. Storm water management programs means those
6 programs, practices, and projects necessary to meet (1) state and
7 federal requirements and mandates and (2) locally established needs
8 and priorities for surface water quality and quantity.

9 Sec. 8. Each municipality shall, by resolution of its
10 governing body, establish storm water management programs in any
11 area within its corporate limits and within its zoning
12 jurisdiction. For the purpose of funding capital improvements and
13 paying the operational costs of storm water management programs,
14 the municipality may establish a system of charges against all land
15 within such areas including, with the consent of the governing body
16 of a county, any area within such municipality's zoning
17 jurisdiction, to be paid for storm water management programs as
18 authorized by sections 18-503 and 18-509. The system of charges to
19 be paid for storm water management programs shall be as established
20 by a separate resolution of the governing body of the municipality.

21 Sec. 9. A natural resources district containing a
22 municipality, by resolution of its board of directors, may
23 establish and implement storm water management programs in any area
24 within the district. For the purpose of funding capital
25 improvements and paying the operational costs of storm water
26 management programs within such areas, a district, by resolution of
27 its board of directors, may establish a system of charges against

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1 all land within such areas, including, with the consent of the
2 governing body of a municipality or of a county containing a
3 municipality, any area within such county or within such
4 municipality or its zoning jurisdiction, and may issue revenue
5 bonds repayable from the proceeds of such charges, all upon such
6 terms as the board of directors may determine reasonable. Such
7 charges shall be proportionate to the storm water contribution and
8 based upon sound engineering principles and may include factors
9 such as impervious surface area and land uses. Such charges shall
10 be collected in the same manner as district property taxes, or in
11 such other manner as determined appropriate by the board of
12 directors, and shall not be deemed to constitute special benefit
13 assessments.

14 Sec. 10. A county containing a municipality, by
15 resolution of its county board, may establish and implement storm
16 water management programs in any area within the county. For the
17 purpose of funding capital improvements and paying the operational
18 costs of storm water management programs within such areas, a
19 county, by resolution of its governing board, may establish a
20 system of charges against all land within such areas, including,
21 with the consent of the governing body of a municipality, any area
22 within such municipality or within its zoning jurisdiction, and may
23 issue revenue bonds repayable from the proceeds of such charges,
24 all upon such terms as the board may determine reasonable. Such
25 charges shall be proportionate to the storm water contribution and
26 based upon sound engineering principles and may include factors
27 such as impervious surface area and land uses. Such charges shall

1 be collected in the same manner as county property taxes, or in
2 such other manner as determined appropriate by the county board,
3 and shall not be deemed to constitute special benefit assessments.

4 Sec. 11. The plan and budget for the operational costs
5 and capital improvements that comprise a storm water management
6 program shall be prepared on an annual basis. Each municipality,
7 county, and natural resources district shall hold a public hearing
8 prior to: (1) Approving the annual operating budget and capital
9 improvements program; (2) adopting storm water management program
10 charges; and (3) amending such charges. A municipality, county, or
11 natural resources district shall not impose storm water management
12 program charges for any period against land that is subject to
13 similar charges imposed by another such entity for such period.

14 Sec. 12. The powers granted by sections 8 to 13 of this
15 act are independent of and in addition to all other grants of
16 powers on the same or related subjects, but may be exercised
17 jointly with other governmental agencies by entering into an
18 agreement pursuant to the Interlocal Cooperation Act or
19 supplemented by the powers granted by any existing law. Nothing in
20 such sections shall be construed as limiting the powers of sanitary
21 and improvement districts relating to matters of drainage as
22 provided for in the laws governing sanitary and improvement
23 districts.

24 Sec. 13. A municipality, county, or natural resources
25 district shall adopt procedures for exemption of agricultural and
26 horticultural lands that are not in the process of development from
27 storm water management program charges.

1 Sec. 14. Section 2-1575, Revised Statutes Supplement,
2 2000, is amended to read:

3 2-1575. Sections 2-1575 to 2-1585 and section 16 of this
4 act shall be known and may be cited as the Nebraska Soil and Water
5 Conservation Act.

6 Sec. 15. Section 2-1576, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 2-1576. The Legislature recognizes and hereby declares
9 that it is the public policy of this state to properly conserve,
10 protect, and utilize the water and related land resources of the
11 state, to better utilize surface waters and available
12 precipitation, to encourage ground water recharge to protect the
13 state's dwindling ground water supply, to protect the quality of
14 surface water and ground water resources, and to reduce soil
15 erosion and sediment damages. The Legislature further declares
16 that it is in the public interest of this state to financially
17 assist in encouraging water and related land resource conservation
18 and protection measures on privately owned ~~agricultural,~~
19 ~~horticultural, or silvicultural~~ land and that this will produce
20 long-term benefits for the general public.

21 Sec. 16. Payments may be made from the Nebraska Soil and
22 Water Conservation Fund to owners of private land which is being
23 converted to urban use for the purpose of controlling erosion and
24 sediment loss from construction and development. As a condition
25 for receiving any funds pursuant to this section, the landowner
26 shall agree in writing that the erosion and sediment control
27 practices will be installed prior to the land-disturbing activity,

1 when possible, and that the practices will be adequately maintained
2 or replaced at the landowner's expense until ninety-five percent of
3 the site is permanently stabilized. Payments made pursuant to this
4 section shall be in accordance with and conditional upon such terms
5 as are established by the commission. Such terms may be different
6 from those established by section 2-1579 for payments relating to
7 other types of projects and practices.

8 Sec. 17. Section 18-503, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 18-503. The governing body of ~~such~~ a municipality may
11 make all necessary rules and regulations governing the use,
12 operation, and control ~~thereof~~ of a disposal plant and sewerage
13 system, including any storm sewer system, pursuant to section
14 18-501. The governing body may establish just and equitable rates
15 or charges to be paid to it for the use of such disposal plant and
16 sewerage system, including any storm sewer system, by each person,
17 firm, or corporation whose premises are served thereby. If the
18 service charge so established is not paid when due, such sum may be
19 recovered by the municipality in a civil action, or it may be
20 certified to the tax assessor and assessed against the premises
21 served, and collected or returned in the same manner, as other
22 municipal taxes are certified, assessed, collected, and returned.
23 Charges to be paid for use of a storm sewer system shall be
24 proportionate to the storm water contribution and based upon sound
25 engineering principles and may include factors such as impervious
26 land surfaces and land uses.

27 Sec. 18. Section 18-509, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 18-509. (1) The mayor and city council of any city or
3 the board of trustees of any village, in addition to other sources
4 of revenue available to the city or village, may by ordinance set
5 up a rental or use charge, to be collected from users of any system
6 of sewerage, including any storm sewer system, and provide methods
7 for collection thereof. The charges shall be charged to each
8 property served by the sewerage system or storm sewer system, shall
9 be a lien upon the property served, and may be collected either
10 from the owner or the person, firm, or corporation requesting the
11 service. Charges to be paid for use of a storm sewer system shall
12 be based upon sound engineering principles and may include factors
13 such as impervious surface areas and land uses.

14 (2) All money raised from the charges⁷ referred to in
15 subsection (1) of this section⁷ shall be used for maintenance or
16 operation of the existing system, for payment of principal and
17 interest on bonds issued as is provided for in section 17-925,
18 18-502, 18-506, or 19-1305, or to create a reserve fund for the
19 purpose of future maintenance or construction of a new sewer system
20 for the city or village or to develop and implement storm water
21 management programs. Any funds raised from this charge shall be
22 placed in a separate fund or funds based on the source of such
23 funds and not be used for any other purpose or diverted to any
24 other fund.

25 Sec. 23. If any section in this act or any part of any
26 section is declared invalid or unconstitutional, the declaration
27 shall not affect the validity or constitutionality of the remaining

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1 portions.".

2 2. Renumber the remaining sections and correct the

3 repealer accordingly.